101ST CONGRESS
2d Session
HOUSE OF REPRESENTATIVES
REPORT
101-897

MAKING APPROPRIATIONS FOR THE DISTRICT OF COLUMBIA AND OTHER ACTIVITIES

OCTOBER 18, 1990.—Ordered to be printed

Mr. DIXON, from the committee of conference, submitted the following

CONFERENCE REPORT

[To accompany H.R 5311]

The Committee of Conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5311) "making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenue of said District for the fiscal year ending September 30, 1991, and for other purposes," having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendments numbered 3, 9, 10, 14, 17, 20, 23, 24, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 52, 55, 57, 58, 59, and 62.

That the House recede from its disagreement to the amendments of the Senate numbered 2, 4, 7, 11, 15, 18, 22, and 53 and agree to the same.

Amendment numbered 12:

That the House recede from its disagreement to the amendment of the Senate numbered 12, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$920,464,000*; and the Senate agree to the same.

Amendment numbered 16:

That the House recede from its disagreement to the amendment of the Senate numbered 16, and agree to the same with an amendment, as follows:

In lieu of the sum proposed by said amendment insert *$529,764,000;* and the Senate agree to the same.

Amendment numbered 21:

H 183-2D

That the House recede from its disagreement to the amendment of the Senate numbered 21, and agree to the same with an amendment, as follows:

Restore the matter stricken by said amendment amended to read as follows: *: Provided further, That the Hurt Home located at 3050 R Street, Northwest, in the District of Columbia, shall not be occupited by residential or day patients or used as a residential treatment facility until a final decision is rendered by the District of Colubmia Court of Appeals in Speyer v. Barry, Appeal No. 88-958*; and the Senate agree to the same.

Amendment numbered 25:

That the House recede from its disagreement to the amendment of the Senate numbered 25, and agree to the same with an amendment, as follows:

In lieu of the matter stricken and inserted by said amendment insert: *39,262*; and the Senate agree to the same.

The committee of conference report in disagreement amendments numbered 1, 5, 6, 8, 13, 19, 51, 54, 56, 60, and 61.

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Managers on the Part of the House.

BROCK ADAMS,
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(except for amendments),
ROBERT C. BYRD,
PHIL GRAMM,
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Managers on the Part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H.R. 5311) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1991, and for other purposes, submit the following joint statement to the House and the Senate in explanation of the effect of the actions agreed upon by the managers and recommended in the accompanying conference report.

FEDERAL FUNDS

DEPARTMENT OF ADMINISTRATIVE SERVICES

Amendment No. 1: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate which appropriates a special Federal contribution of $1,000,000 to partially restore the department's budget to the fiscal year 1990 level. This department serves as the nerve center of the District government and provides essential government-wide services to all District agencies such as the Metropolitan Police Department which many times has had to wait as long as a year or more for the Department of Administrative Services to process police procurements because of a shortage of trained personnel caused by funding shortfalls. The appropriation of this $1,000,000 from the District treasury is accomplished in amendment number 11.

BOARD OF EDUCATION

Amendment No. 2: Appropriates $15,080,000 as a Federal contribution to the public school system as proposed by the Senate instead of $12,080,000 as proposed by the House. The increase of $3,000,000 above the House level is discussed in amendments numbered 3 and 5.

Amendment No. 3: Earmarks $2,000,000 for renovations to public school athletic and recreational grounds and facilities as proposed by the House instead of $1,000,000 as proposed by the Senate.

Amendment No. 4: Deletes word "and" as proposed by the Senate to accommodate amendment number 5.

Amendment No. 5: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following: *$1,000,000 shall be for expansion of the early childhood program, $1,000,000 shall be for teacher pay raises, and $1,000,000 shall be for the Anacostia Project in Southeast Washington.*

FIRE DEPARTMENT

For a Federal contribution to the District of Columbia for the Fire Department, $1,141,000

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Public schools.—The conference agreement earmarks $1,000,000 to expand the early childhood program, $1,000,000 for teacher pay raises, and $1,000,000 for the Anacostia Project in Southeast Washington instead of $1,000,000 to expand the early childhood program and $3,000,000 for teacher pay raises as proposed by the Senate. The reduction of $2,000,000 in the allocation for teacher pay raises is reallocated to amendment number 3 for renovations to public school athletic and recreational grounds and facilities ($1,000,000), and in amendment number 5 for the Anacostia Project ($1,000,000). Negotiations are under way on a new contract for teachers which will include pay raises that may exceed $30,000,000. While the conferees do not want to presuppose what those negotiations may conclude, they agree that the level of pay for the District's public school teachers is a priority and note that the Council of the District of Columbia has stated that it is committed to fully fund pay raises that are negotiated by the Board of Education. . . .".

Fire Department.—The conference action also inserts a new heading for the Fire Department and appropriates $1,141,000 to fund the administrative assistants to eight Battalion Fire Chiefs in the Firefighting Division on a 24-hour basis, 365 days a year. According to reports received by the conferees, the Administrative Assistants (Aides) perform duties that are essential to the orderly and efficient operations of their respective battalions, and in addition, are an integral part of the fireground command structure.

SUPERIOR COURT OF THE DISTRICT OF COLUMBIA

Amendment No. 6: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert the following: , *of which $80,000 shall be available to the Social Services Division of the Superior Court of the District of Columbia for other youth screening and diversion programs*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $160,000 for the After School Kids Program as proposed by the House instead of $160,000 for the After School Kids Program, $860,000 for the Social Services Division and $400,000 for counsel for Child Abuse and Neglect Program fees as proposed by the Senate. The conference agreement also includes language that makes $80,000 (of the $160,000) available to the Sovial Services Division for youth screening and diver-

sion programs other than the After School Kids Program. This language gives the Social Services Division sole discretion to determine the use of the $80,000 within its screening and diversion program. With respect to the balance of $80,000 for the After School Kids Program, the conferees believe that these funds should cover the costs for a minimum of 50 youth completing the program and that a process/impact evaluation of the program by an outside, independent evaluator or consultant certified by the National Institute for Corrections should be conducted at a cost not to exceed four percent of the appropriation. At a minimum, the evaluation should include the following:

(1) A profile of program participants such as conviction charge, prior record, educational level, family structure, etc.

(2) Frequency and type of contact with program participants.

(3) Type of problem areas for which the youths were referred.

(4) Extent to which program was implemented as planned.

(5) Measure of educational gains for each youth through use of standardized tests to assess gains in academic problem areas, school advisory grades, etc.

(6) Changes in self esteem based on pretest and posttest results.

(7) Adjustment of youths at school and at home based on such measures as school attendance, school behavior, completes assigned household chores, etc.

(8) Incidence of illicit drug use by youths during the program.

(9) Incidence of youths involvement with the criminal justice system and severity of the involvement.

(10) Any other factors relevant to process/impact evaluation.

The conferees request that the evaluation be performed in a timely manner and transmitted to the House and Senate Subcommittees on District of Columbia Appropriations by May 30, 1991.

DEPARTMENT OF PUBLIC WORKS

Amendment No. 7: Deletes heading and Federal appropriation of $100,000 for the preparation of an environmental impact statement relating to the expansion of the Lorton landfill proposed by the House and stricken by the Senate. The conferees have been advised that action was taken on September 17, 1990 by elected officials of the jurisdiction where the Lorton landfill is located mandating that an environmental impact statement be prepared prior to proceeding with expansion of the landfill. The environmental impact statement is to be completed by March 1992 and will be paid for from dumping or "tipping" fees. The conferees were further advised that the environmental impact statement required by the local officials can be implemented and completed more quickly than one mandated by Congress. Amendments number 22 and 58 relate to the Lorton landfill expansion.

DEPARTMENT OF HUMAN SERVICES

Amendment No. 8: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede

and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

DEPARTMENT OF HUMAN SERVICES

For a Federal contribution to the District of Columbia, $3,041,000, of which $350,000 shall be to develop a program for boarder babies and children of substance abusers, $500,000 shall be to develop a residential aftercare program for pregnant substance abusers, $1,500,000 shall be for outpatient aftercare for pregnant substance abusers and the general recovering addict population, $500,000 shall be for a program for early detection of breast and cervical cancer to be conducted by an independent organization or institution of national prominence, and $191,000 shall be for securty fences and security lighting at the Oak Hill Juvenile Detention Facility and security lighting at the Cedar Knoll Facility.

DISTRICT OF COLUMBIA INSTITUTE FOR MENTAL HEALTH

For a Federal contribution to the District of Columbia Institute for Mental Health to provide professional mental health care to low-income, underinsured, and indigent children, adults, and families in the District of Columiba, $1,000,000.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

Department of Human Services.—The conference agreement appropriates $3,041,000 as a Federal contribution to the Department of Human Services and $1,000,000 as a Federal contribution to the District of Columbia Institute for Mental Health instead of $2,850,000 as a Federal contribution for the Department of Human Services as proposed by the Senate. The allowance rcommended by the conferees will provide (1) $350,000 to develop a program for boarder babies and children of substance abusers, (2) $500,000 to develop a residential aftercare program for pregnant substance abuses, (3) $1,500,000 for outpatient aftercare for pregnant substance abusers and the general recovering addict population and, (4) $500,000 for an early detection program for breast and cervical cancer as proposed by the Senate. The conference action also provides a federal contribution of $191,000 for security fences and lighting at the Oak Hill and Cedar Knoll juvenile detention facilities. See amendment number 19 for the payment of these funds from the District Treasury.

D.C. Institute for Mental Health.—In addition, the conference action inserts a new heading for the District of Columbia Institute for Mental Health and provides a direct one-time appropriation of $1,000,000 to assist the Institute in providing low-cost professional mental health care to low-income, underinsured, and indigent children, adults and families in the District of Columbia. The conferees were advised that the greater part of the Institute's client population is severely disturbed and predominantly classified as indigent and working poor with combined family incomes of $10,000 or less and nearly 40 percent of the patient population being uninsured or underinsured. The conferees were further advised that with successful treatment, the Institute's clients often move from welfare

and other forms of public assistance to gainful employment, increased educationl achievement and greater self-sufficiency.

The conferees request a report by April 15, 1991, from the Institute concerning the use of these funds and the level of services provided to District residents.

CHILDREN'S NATIONAL MEDICAL CENTER

Amendment No. 9: Deletes language proposed by Senate which provided payment of this appropriation to the District of Columbia for suybsequent payment to the Chidren's National Medical Center for a cost-shared National Child Protection Center. The conferees agree that the payment should be made directly to the Children's National Medical Center rather than through the District of Columbia government.

Amendment No. 10: Appropriates $3,000,000 as proposed by the House instead of $4,000,000 as proposed by the Senate for a direct Federal contribution to the Children's National Medical Center for a cost-shared center focused on children and substance abuse prevention, trauma emergency medical care, pediatric AIDS/HIV treatment, critical care in newborn, pediatric and adolescent patients, pediatric medical research and other related specialized programs. The center is estimated to cost $50,000,000 with most of the funds provided by private and other sources.

DISTRICT OF COLUMBIA FUNDS

GOVERNMENTAL DIRECTION AND SUPPORT

Amendment No. 11: Appropriates $113,879,000 as proposed by the Senate instead of $115,279,000 as proposed by the House. The conference allowacne of $113,879,000 reflects an increase of $1,000,000 above the House allowance after adjusting the House figure of $115,279,000 as printed in the bill to reflect two reductions made on the House floor in Federal funds but not reflected in the District funds appropriation. The increase of $1,000,000 above the revised House allowance will provide the Department of Administrative Services with a total budget of $27,253,000 as proposed by the Senate instead of $27,853,000 as proposed by the House. This department serves as the nerve center of the District and the conferees are concerned with what seems to be an effort by District officials to reduce the department's budget year after year—from $30,264,000 and 493 positions in fiscal year 1987 to $28,631,000 and 448 positions in fiscal year 1990 to $26,253,000 and 439 positions requested in the fiscal year 1991 budget. The conferees believe it is unreasonable to expect the department to operate properly without adequate resources. The conferees request quarterly reports from the department on its efforts to improve operations.

PUBLIC SAFETY AND JUSTICE

Amendment No. 12: Appropriates $920,464,000 instead of $929,323,000 as proposed by the House and $920,583,000 as proposed by the Senate.

Fire Department.—The conference agreement provides $103,043,000 instead of $101,902,000 as proposed by the House and

the Senate. The increase of $1,141,000 is provided to fund the administrative assistants to the department's battalion chiefs on a three-shift basis to the extent possible for the fiscal year. The conferees have been advised that the administrative assistants are essential to the orderly and efficient operations of their respective battalions and are an integral part of the fireground command structure.

Metropolitan Police Department.—The conference agreement appropriates $257,242,000 which is $7,201,000 above the fiscal year 1990 appropriations. Language carried in last year's Act is continued this year to allow $17,630,000 of the Department's funds to remain available until expended. District officials are directed not to use these carryover funds to replace part of the base in the department's fiscal year 1992 budget. Nor is the department to absorb a disproportionate share of mandatory increases, such as pay costs, than other District agencies.

The situation with crime in the District has worsened, and in order to provide police officials with maximum flexibility in managing the department in its efforts in the war on crime, the conferees once again direct that the drug emergency funds of $17,630,000 shall be available exclusively to the department with the first priority given to the hiring of new police officers to bring the level up to the authorized strength of 5,133. If not expended for personal services, the funds may be used to purchase goods and services in the non-personal object classes including support and other materials as well as capital items.

The conferees request that quarterly reports be provided to the House and Senate Committees on Appropriations showing the amounts obligated and expended and the purposes, in detail, for which funds were obligated and expended.

A summary of the number of sworn officers authorized and funded for fiscal year 1969–1991 follows:

METROPOLITAN POLICE DEPARTMENT—UNIFORMED (SWORN) POLICE OFFICERS

Fiscal year	Number authorized	Number funded
1969	4,100	3,341
1970	5,100	4,295
1971	5,100	5,013
1972	5,100	4,727
1973	5,100	4,974
1974	5,100	4,909
1975	4,750	4,700
1976	4,630	4,567
1977	4,470	4,333
1978	4,150	4,096
1979	4,120	4,120
1980	4,242	4,096
1981	4,025	3,880
1982	4,121	3,880
1983	3,958	3,880
1984	3,958	3,845
1985	3,958	3,845
1986	3,958	3,845
1987	3,958	3,855
1988	3,958	3,855
1989	4,133	4,055

METROPOLITAN POLICE DEPARTMENT—UNIFORMED (SWORN) POLICE OFFICERS—Continued

Fiscal year	Number authorized	Number funded
1990	5,133	5,055
1991	5,133	5,055

District-wide contracting.—The conferees remain interested in the District's progress in fully implementing the District of Columbia Procurement Practices Act of 1985. Accordingly, the conferees request that the District provide quarterly reports on the following information regarding contracting by all agencies, boards commissions, the entities, independent or otherwise that receive any funding, directly or indirectly, through this Act:

(1) progress in completing the regulations of the final four chapters of the Act;

(2) the number and dollar value of sole source contracts the District enters into;

(3) the number and dollar value of contracts being carried out with no written contract on file;

(4) the number and dollar value of contracts pending before the Department of Human Services which have been renewed outside of the competitive bidding process.

Superior Court.—The conference agreement provides $65,850,000 instead of $66,192,000 as proposed by the House and $67,110,000 as proposed by the Senate. The conference action reflects a technical adjustment transferring out eight court reporter positions and $342,000 to the Court System. The conferees have not approved the increase of $860,000 for the Social Services Division and the additional $400,000 for fees for counsel in child abuse and neglect cases proposed by the Senate. The conferees were advised that $2,966,000 is in the budget for the Guardianship and Protective Proceedings program which will not be fully operational in fiscal year 1991. As a result, possibly half of the budget may be unobligated and could be made available to other high priority programs such as the special probationary teams for child abuse cases.

D.C. Court System.—The conference action provides $22,600,000 as proposed by the Senate instead of $22,258,000 as proposed by the House and reflects a technical adjustment transferring in eight court reporter positions and $342,000 from the Superior Court.

Amendment No. 13: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate that allows the Metropolitan Police Department to make small purchases up to $500,000 without going through any other District agency including the Department of Administrative Services. The limit for the department is presently $10,000 although the limit for some agencies is up to $1,000,000. The conferees agree that the increase in purchasing authority for $10,000 up to $500,000 will insure that the Metropolitan Police Department will be able to independently and expeditiously procure the goods and services it requires to fulfill its mission. The conferees further agree that the administrative requirements for the department's increased procurement authority of up to

$500,000 be those presently governing procurements made under the small purchase authority so that no new or creative bureaucratic hurdles will be imposed on the department. The Department should view this increase in direct purchasing authority as a pilot or model that will be reviewed during next year's budget hearings to determine whether the Department's procurement situation has improved.

Amendment No. 14: Delete language proposed by the Senate which would have made funds appropriated for the Guardianship, Protective Proceeding, and Durable Power of Attorney Act of 1986 available until expended rather than available only during the fiscal year in which they are appropriated.

PUBLIC EDUCATION SYSTEM

Amendment No. 15: Appropriates $738,240,000 as proposed by the Senate instead of $735,240,000 as proposed by the House. The conference action reflects an increase of $4,600,000 above the House allowance after adjusting the House figure of $735,240,000 as printed in the bill to reflect the reduction of $1,600,000 made on the House floor in the allocation to the University of the District of Columbia but not reflected in the appropriation for "Public Education System". The increase of $4,600,000 above the revised House allowance will restore the $1,600,000 for the University of the District of Columbia as proposed by the Senate and will allocate the $3,000,000 in Federal funds appropriated under amendment number 2. The $3,000,000 will provide $1,000,000 for expansion of the Early Childhood Development Program as proposed by the Senate, $1,000,000 for teacher pay raises instead of $3,000,000 as proposed by the Senate, and $1,000,000 for the Anacostia project in southeast Washington which will focus on the improvement and extension of mathematics, science and technology for the District's public school system. This project is discussed under amendment number 16.

Amendment No. 16: Allocates $529,764,000 instead of $526,764,000 as proposed by the House and $530,764,000 as proposed by the Senate for the public schools of the District of Columbia. The increase of $3,000,000 above the House allowance will provide (1) an additional $1,000,000 as proposed by the Senate for expansion of the Early Childhood Development Program, (2) $1,000,000 for the Anacostia Project in southeast Washington which is discussed later, and (3) $1,000,000 for the projected teacher pay raises instead of $3,000,000 as proposed by the Senate. Negotiations are under way on a new contract for teachers which will include pay raises that may exceed $30,000,000. While the conferees do not want to presuppose what those negotiations may conclude, they agree that the level of pay for the District's public school teachers is a priority and note that the Council of the District of Columbia has stated that it is "committed to fully fund pay raises that are negotiated by the Board of Education . . ."

Excessive administrative costs.—The conferees are deeply concerned at the pattern of spending in the District's public schools. It is not the case that the total amount per pupil being spent is low; in fact, it is among the highest in the Nation. The problem is that

the funds are being misdirected with excessive funds going to administrative overhead and all too little going to the instruction of students. The conferees hope that the new administration will address the misdirection of resources.

Anacostia Project.—The conference agreement includes $1,000,000 for the development and implementation of the renewal of the Anacostia Project in Southeast Washington. In 1974, the District established Ballou High School in Southeast Washington as the mathematics and science school for the city. A renewal of this project will focus on school-based staff development, school analysis for accountability, a new curriculum integrating technology into the classroom with staff development and training in the most up-to-date teaching techniques and strategies (including Integrative Learning) which emphasize preparing students for work, college and citizenship in the 21st century by focusing on science, mathematics and technology as well as values education and multicultural heritage and legacy.

According to many businesses and government leaders, the United States must develop holder visions and provide more aggressive leadership in at least three areas: economic revitalization, educational reform and community renewal. This project is an attempt to address these national needs as well as those of minority students who along with women will represent over 85 precent of the new work force by the year 2000. Programs such as those being developed by the National Science Center Foundation (NSCF) are attempting to address these priorities. The NSCF believes that the Nation's educational failures center on two issues, one of which is a decline in student test scores in mathematics and science and the second is the current shortage of well prepared teachers in the fields of mathematics and science for the Nation's schools. The Foundation is developing a computer-based system in an effort to make an impact on the teaching of mathematics. According to NSCF, the use of these technologies not only benefits the teaching of these subjects but is necessary if we expect to overcome the current and projected shortage of qualified mathematics and science teachers.

The conferees are encouraged by these initiatives and direct that the $1,000,000 approved for this project be used to continue the planning and development of this urban demonstration model in mathematics, science and technology for the District in Southeast Washington. These funds are to be used to upgrade and expand the Ballou Mathematics and Science School and the Friendship Educational Center, which was recently renamed the Patricia Roberts Harris Educational Center, and for additional programs focused on mathematics, science and technology. Learning Logic computer laboratories are to be installed in these two schools to serve as urban demonstration sites for the Foundation's comprehensive computer-based mathematics program for all students in algebra through calculus. Model pilot programs will be established for (1) improving mathematics, science and computer learning opportunities for students in pre-kindergarten through high school including a Tech-Prep 2+2 Program; (2) extended day and year-round programs using computers with a mathematics and science focus; and (3) parent and community support programs.

Funds are also provided to begin a year-round, school-focused, research based staff development center dedicated to improving and upgrading the teaching of mathematics, science and technology in the District's public schools. This facility is to be located in the newly named Patricia Roberts Harris Educational Center and will provide for the strengthening of the relationship and collaboration of the District's public schools with the National Science Center Foundation, Howard University, the University of the District of Columbia, the Naval Research Laboratory, and other agencies and organizations.

The conferees have been advised that the necessary first step toward the implementation of this project is to air condition the Ballou High School for a year-round mathematics and science program. Accordingly, the conferees direct that the necessary funds within the public schools capital outlay program be made available to air condition the Ballou High School and modernize and improve the necessary science laboratories at Ballou for the mathematics and science school.

The conferees request comprehensive biannual reports on the implementation and progress of the Anacostia Project. The reports are to be provided on May 1, 1991, and November 1, 1991, by the Board of Education to the House and Senate Subcommittees on District of Columbia Appropriations. A time line with goals and accomplishments should be included in the annual report.

ACCORD Program.—The ACCORD Program is a 5-year model demonstration project established to provide high school students with necessary skills to obtain entry level career employment. The program is a partnership between the business and civic communities, government agencies and the public schools with job opportunities provided in both the private and public sectors to students who receive training through seminars, on-the-job training, internships, and direct assistance from volunteer mentors. This program was first funded in fiscal year 1988 at a level of $800,000 of which $200,000 was contingent upon the receipt of $200,000 in private sector contributions for a total program level of $1,000,000.

The conferees request that detailed quarterly reports be provided within 20 days after the close of each quarter directly by the Board of Education to the House and Senate Subcommittees on District of Columbia Appropriations on the ACCORD Program setting out the progress made from the previous reporting period as well as a comparison of the program's goals and objectives with the accomplishments.

Options School.—The conferees have included $600,000 within the funds provided to the Board of Education for the Options School program. The program is an alternative full-day program for youths 12 to 15 who are functioning at least two years behind grade level and are drop-out risks. The students are given courses in basic skills, computers, science and technology. While in the program 86 percent of the students attended school 80 percent of the time, 37 percent had two or fewer absences, and 25 percent had perfect attendance. On standardized tests 65 percent progressed two grade levels in reading and math. Students can stay in the program for up to one year. This initiative has been a success by any

measure, and the conferees encourage school officials to consider expanding its use.

The conferees request that the $180,000 increase above last year's level be used to supplement the base operations and to expand the Options School by adding such programs as a summer session, performing arts, an evaluation which may be used as a basis for national replication, and enhancement of the curriculum as well as other related program development.

Amendment No. 17: Allocates $22,000,000 as proposed by the House instead of $21,000,000 as proposed by the Senate for pay-as-you-go capital projects for the public schools. The conference action provides $2,000,000 as proposed by the House instead of $1,000,000 as proposed by the Senate for renovations to athletic and recreational grounds and facilities in the public school system.

Amendment No. 18: Allocates $76,913,000 as proposed by the Senate instead of $75,313,000 as proposed by the House for the University of the District of Columbia. The conference action restores the $1,600,000 reduction that resulted from a House floor amendment offered because $1,600,000 was proposed to be borrowed on the municipal bond market by the District government to be repaid from the District's local tax revenues to renovate the Carnegie Library to exhibit "The Dinner Party" art work. This amendment was adopted by the House even though there were no funds in the bill related to the art work. The artist subsequently withdrew her offer to donate the art work to the University.

HUMAN SUPPORT SERVICES

Amendment No. 19: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the sum stricken and inserted by said amendment, insert the following: *$879,431,000.*

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference agreement appropriates $876,431,000 instead of $73,390,000 as proposed by the House and $876,240,000 as proposed by the Senate. The increase of $3,041,000 above the House allowance includes $350,000 as proposed by the Senate to evaluate program alternatives for addressing the District's boarder babies and children of substance abusers. These funds will enable the District the evaluate the few existing alternatives, select the most promising strategies amenable to local conditions, educate and train necessary personnel, and begin implementation. The conferees intend that the District explore with national and local organization, such as the District of Columbia Institute for Mental Health which was recently awarded a Federal grant for this purpose, various ways to combat this growing problem. The conferees intend that the District explore with national and local organizations, such as the District of Columbia Institute for Mental Health which was recently awarded a Federal grant for this purpose, various ways to combat this growing problem. The conferees have also included $500,000 as proposed by the Senate for a program to establish residential after-

care for new mothers and their newborn infants in a drug-free environment until they are self sufficient. In addition, the conference agreement includes $1,500,000 as proposed by the Senate to expand outpatient after care for pregnant and general population substance abusers. The need for such care is so great that existing programs are overwhelmed. Aftercare is essential if the recovered substance abuser is to maintain a drug-free lifestyle and not have a relapse.

In order to expedite the delivery of services, the conferees direct that each of these programs be handled through the issuance of contracts to groups providing the services.

The conference action also provides (1) $500,000 as proposed by the Senate for grants to nationally known independent public and private non-profit entities for the purpose of screening for breast and cervical cancer by conducting a physical examination, a mammography, and a pap smear for women who are not currently receiving such services under existing District programs, private insurance, or Federal health benefits programs; and (2) $191,000 for the Youth Services Administration for perimeter fencing and security lighting at the Oak Hill and Cedar Knoll juvenile detention facilities. See amendment number 20 for a further explanation on the use of this $191,000.

Federal funds appropriated to the District in amendment number 8 are appropriated from the District's treasury by this amendment.

Amendment No. 20: Restores language proposed by the House and stricken by the Senate earmarking not less than $191,000 of the Human Support Services appropriation for the Youth Services Administration for perimeter fencing and security lighting at the Oak Hill and Cedar Knoll juvenile detention facilities located in Laurel, Maryland. The conferees direct that these funds not be released for obligation by the department until a comprehensive plan for security improvements at Oak Hill and Cedar Knoll is transmitted to the House and Senate Subcommittee on District of Columbia Appropriations. The conferees reiterate their strong interest in the Oak Hill and Cedar Knoll facilities, especially in view of the continuing security problems. The conferees request that District officials prepare a long-term plan for resolving the outstanding security, program, staffing and other problems at the facilities and be prepared to testify during the fiscal year 1992 budget hearings on the steps the department will take to implement these plans.

Amendment No. 21: Restores language proposed by the House and stricken by the Senate which prohibits the use of the Hurt Home located at 3050 R Street, Northwest, as a treatment facility until final adjudication by the relevant courts and clarifies the proviso by citing the specific court case that was filed with the District of Columbia Court of Appeals on August 8, 1988 (*Speyer* v. *Barry,* Appeal No. 88-958). The conferees believe that this provision should not delay occupancy, which is scheduled for the summer of calendar year 1991, since the case should be decided soon.

The Hurt Home was purchased in 1987 and will become the city's first community-based residential center for emotionally disturbed children, youth and their families. The program is designed

to serve 24 emotionally disturbed boys and girls, aged 8 to 12 years who are in need of 24 hour intensive therapeutic services in a residential setting. The facility is not intended for children and youth who present a likelihood of serious harm to others, or who have a primary diagnosis of mental retardation, developmental disability or substance abuse. Currently, more than 200 of these children are located in out-of-state treatment facilities in Colorado, Texas, Florida, and Georgia at an annual cost in excess of $24,000,000. The District government is currently renovating the facility at an estimated cost of $2.7 million which will cover work necessary to meet both programmatic and code requirements. Completion of the work is expected during the summer of 1991.

Nothing in this provision should be construed to prohibit the District from performing any activities not expressly prohibited by the order of the Superior Court of the District of Columbia dated June 23, 1988.

PUBLIC WORKS

Amendment No. 22: Deletes language proposed by the House and stricken by the Senate which would have allocated not less than $100,000 from the District treasury for an environmental impact statement for the proposed expansion of the Lorton landfill. The conferees have been advised that action was taken on September 17, 1990, by elected officials of the jurisdiction where the Lorton landfill is located mandating that an environmental impact statement be prepared prior to proceeding with expansion of the landfill. The environmental impact statement is to be completed by March 1992 and will be paid for from dumping or "tipping" fees. The conferees were further advised that the environmental impact statement required by the local officials can be implemented and completed more quickly than one mandated by Congress. Amendment numbers 7 and 58 relate to the Lorton landfill expansion.

CAPITAL OUTLAY

Amendment No. 23: Appropriates $324,322,000 as proposed by the House instead of $323,322,000 as proposed by the Senate. The increase of $1,000,000 above the Senate allowance is earmarked in amendment number 24 for the public school system.

Amendment No. 24: Provides $22,000,000 as proposed by the House instead of $21,000,000 as proposed by the Senate for pay-as-you-go maintenance improvements and emergency repairs to public school facilities. Included in the $22,000,000 allocation which will be financed from general fund operating revenues is $2,000,000 as proposed by the House instead of $1,000,000 as proposed by the Senate for renovations to public school athletic and recreational grounds and facilities.

GENERAL PROVISIONS

Amendment No. 25: Provides an employment ceiling for fiscal year 1991 of 39,262 as proposed by the Senate instead of 40,037 as proposed by the House and deletes language proposed by the Senate concerning solid waste disposal. The conferees agree that the employment ceiling of 39,262 for fiscal year 1991, which is the

same as the ceiling in the fiscal year 1990 Act, applies to all departments, agencies, activities, commissions and boards funded directly or indirectly through this appropriations Act. The conferees also agree that District officials are not to use this position ceiling to restrict the hiring of personnel by the Metropolitan Police Department, the Fire Department or the Department of Corrections since the approved fiscal year 1991 level of employment in those departments was not increased above the fiscal year 1990 level.

Amendment Nos. 26 through 50: Technical renumbering of sections to provide consecutive section numbers following conference action on amendment number 25 which deleted a new section 111 proposed by the Senate. With the new section 111 deleted, the section numbers revert to those in the House-passed bill.

Amendment No. 51: reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

Restore the matter stricken by said amendment amended to read as follows:

SEC. 136.(a) IN GENERAL.—

(1) ATTORNEYS.—Section 906 of the District of Columbia Government Comprehensive Merit Personnel Act of 1978 (section 1-610.6, D.C. Code) is amended—

(A) in subsection (a), by striking "Notwithstanding" and inserting "Except as provided in subsection (c) and notwithstanding"; and

(B) by adding at the end the following new subsection:

"(c) Subsections (a) and (b) shall not apply to any person applying for or accepting any position in the Excepted Service as an attorney, and such person shall be covered by the provisions of section 801(e).".

(2) EMPLOYEES OF BOARDS AND COMMISSIONS.—Section 202(3) of such Act (section 1-602.2, D.C. Code) is amended by inserting after the second sentence the following: "Individuals serving as employees of boards and commissions shall be covered by the provisions of section 801(e).".

(3) CONFORMING AMENDMENT.—D.C. Law 3-36 is amended—

(A) in section 4(a)(4) (section 9-603 (a)(4), D.C. Code), by striking the colon at the end of the second sentence and all that follows and inserting a semicolon; and

(B) in section 11 (section 9-610, D.C. Code), by striking "titles V and XVII" and inserting "titles V and XVII and section 801(e)".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall take effect as if included in the enactment of the Residency Preference Amendment Act of 1988.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action inserts language which extends the residency preference system to attorney positions and employees of all independent agencies, boards and commissions of the District of Columbia. The language proposed by the House and stricken by the Senate extended the residency preference system to attorney positions. The residency preference system for employees of the Dis-

trict government was enacted in Public Law 101-168 approved November 21, 1989 (103 Stat. 1276, 1277), and was intended to apply to all persons employed by the District government except those in the Excepted and Executive Services. However, attorney positions were excluded because they were exempt from the Comprehensive Merit Personnel Act which is the act that was amended by Public Law 101-168. In addition, the conferees learned that some independent agencies, boards, and commissions likewise are not subject to the Comprehensive Merit Personnel Act and therefore not subject to the residency preference system. The conference action amends the House language as well as applicable sections and provisions of D.C. law and the D.C. Code to extend the residency preference system to all independent agencies, boards, and commissions of the District of Columbia.

The conferees believe that all employment with the District government should be covered by the residency preference system with the exception of those individuals in the Excepted Service and Executive Service hired after December 31, 1979, who will continue to be required to live in the District of Columbia for the duration of their employment in the Excepted and Executive Services as required under current law.

These amendments are permanent law and as such continue beyond this fiscal year into perpetuity.

Amendment No. 52: Restores language proposed by the House and stricken by the Senate which prohibits the District of Columbia from using funds in this Act for salaries, expenses or other costs associated with the offices of United States Senator or United States Representative under section 4(d) of D.C. Law 3-171 (sec. 1-113(d), D.C. Code).

Amendment No. 53: Deletes language proposed by the House and stricken by the Senate which would have reduced the Federal funds in this bill by 2 percent or $10,812,360. The conferees note that the total Federal funds recommended in this bill are within the revised 302(b) allocations in both budget authority and outlays. The conferees further note that the Federal payment has remained at the same level of $430,500,000 for four years and is $14,000,000 below the fiscal year 1987 appropriation when it reached $444,500,000. The reduction of $14,000,000 reflects a 3.1 percent cut in nominal dollars and a loss of 22 percent in real dollars since fiscal year 1987. During the same period, the Federal payment has fallen from a total of 18.3 percent of the District's total operating budget to 13.3 percent in this Act.

Amendment No. 54: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter proposed by said amendment, insert the following:

SEC. 138. (a) The proviso under the heading "Public Works" in the Dire Emergency Supplemental Appropriation for Disaster Assistance, Food Stamps, Unemployment Compensation Administration, and Other Urgent Needs, and Transfers, and Reducing Funds Budgeted for Military Spending Act of 1990, approved May 25, 1990

(Public Law 101-302; 104 Stat. 241), shall remain in effect until September 30, 1991.

(b) Chapter IX of title II of the Dire Emergency Supplemental Appropriations for Disaster Assistance, Food Stamps, Unemployment Compensation Administration, and Other Urgent Needs, and Transfers, and Reducing Funds Budgeted for Military Spending Act of 1990, approved May 25, 1990 (Public Law 101-302; 104 Stat. 241), is amended in the item relating to "Public Safety and Justice" by striking "current operating revenues collected during fiscal year 1991 and not from".

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action extends to September 30, 1991, the effectiveness of a provision in Public Law 101-302 concerning the safety barriers on the Duke Ellington Memorial Bridge as proposed by the Senate and inserts language that amends a provision in Public Law 101-302 that allows the District government to repay $10,000,000 with proceeds of borrowed funds instead of from current operating revenues since the borrowings far from construction funds for the District's new Correctional Treatment Facility and were used to pay the Federal Bureau of Prisons and various state governments for housing District of Columbia code violators. The conferees do not condone this financing arrangement and call on District officials to avoid such requests in the future.

Amendment No. 55: Deletes language proposed by the Senate prohibiting the use of funds in this or any other Act for lobbying expenses related to District of Columbia Statehood or for "shadow representatives." Amendment numbers 52 and 55 both involve the same subject matter and the conferees agreed to accept amendment number 52 and delete amendment number 55.

Amendment No. 56: Reported in disagreement.

Amendment No. 57: Deletes language proposed by the Senate which would have exempted the Perinatal Abstinence Project located at 3551 Sixteenth Street, Northwest, from the requirement to obtain a certificate of occupancy.

Amendment No. 58: Deletes language proposed by the Senate that would have prohibited the use of any funds in this Act for expansion of the Lorton sanitary landfill until completion of an environmental impact statement and agreement to a cost-sharing arrangement for payment of the study. The Senate language would have also imposed restrictions upon the transport of any output of the municipal waste system of the District. The conferees have been advised that action was taken on September 17, 1990, by the elected officials of the jurisdiction where the Lorton landfill is located mandating that an environmental impact statement be prepared prior to proceeding with expansion of the landfill. The environmental impact statement is to be completed by March 1992 and will be paid for from dumping or "tipping" fees. The conferees were further advised that the environmental impact statement required by the local officials can be implemented and completed more quickly than one mandated by Congress. Amendment numbers 7 and 22 relate to the Lorton landfill expansion.

Amendment No. 59: Deletes language proposed by the Senate which would have amended the District of Columbia Human

Rights Act with respect to participation of persons in program or activities involving juveniles under 18 years of age.

Amendment No. 60: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the section number "143", insert *"140"*.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action allows for the retirement of not to exceed 75 police officers currently on extended limited duty, where the prognosis for return to full police duty is not good, and states that their retirements are to be excluded from the computation of the rate of disability retirement under subsection 145(a) of the District of Columbia Retirement Reform Act of 1979 (Public Law 96–122). This rate of disability retirements is used to determine whether to reduce the authorized Federal payment to the Police Officers and Firefighters' Retirement Fund. A number of officers are in a limited or light duty status or on extended sick leave. The police chief has stated that it is important to replace these individuals with able-bodied police officers who can perform on the street.

Prior to the enactment of subsection 145(a) of Public Law 96–122, there was concern that the District's retirement system was being abused with excessive disability retirements. In some years, disability retirements accounted for 99 percent of all police and fire retirements. In order to address the situation, the Congress approved subsection 145(a) as part of the District's Retirement Reform Act to provide some incentive to District managers to reduce the percentage of disability retirements. The conferees believe the District has responded favorably and has included this language which will allow these individuals to retire without reducing the authorized Federal payment to the retirement funds and will permit the Metropolitan Police Department to hire police officers, or civilians if the position is a civilian post, to fill the vacated positions. The conferees direct that these retirements, while exempt from the computation of the rate of disability retirements, be subject to all of the rules and regulations of the District's Board of Surgeons as well as the Policemen and Firemen's Retirement and Relief Board and meet all of the criteria for retirement.

The language agreed to by the conferees requires the Mayor to engage an enrolled actuary to determine the financial effects of this change on the retirement fund and to comply fully with sections 142(d) and 144(d) of Public Law 96–122. The language also requires that if any of the 75 positions that may become vacant because of retirements under subsection (a) are filled, a civilian employee or an officer or member of the Metropolitan Police Department shall be hired to fill that position. The objective of this section is to ensure that the objectives of the Mayor and the Metropolitan Police Chief to hire more able-bodied officers for street duty are carried out.

Subsection (d) states that the limited duty policy of the Metropolitan Police Department shall be that in effect prior to July 8, 1990, unless ordered by the relevant court. The conferees have been concerned about past abuses of the department's limited duty policy

and encourage the Department to use the authority granted by this provision to modify its recent practice and retire those who will not be returning to full duty.

In Special Order 80-20, issued April 2, 1980, which implements a settlement that resulted from earlier court action, the Chief of Police stated that "Female members who become pregnant shall be eligible for limited duty assignments in accordance with policy set forth in this order."

The order also states that "Assignments to limited duty shall be for a specific period of time, depending on the prognosis for return to full duty set forth by the Board of Surgeons physician." The conferees believe that these provisions are clear and should be adhered to until the matter is either negotiated by the parties or adjudicated by the court.

Amendment No. 61: Reported in technical disagreement. The managers on the part of the House will offer a motion to recede and concur in the amendment of the Senate with an amendment as follows:

In lieu of the matter inserted by said amendment, insert:

SEC. 141. Notwithstanding any other provision of law, the Task Force on Substance Abusing Pregnant Women and Infants Exposed to Maternal Substance Abuse During Pregnancy shall report no later than March 29, 1991.

The managers on the part of the Senate will move to concur in the amendment of the House to the amendment of the Senate.

The conference action extends the reporting and termination date of the Task Force on Substance Abusing Pregnant Women and Infants Exposed to Maternal Substance Abuse During Pregnancy by four months to March 29, 1991, as proposed by the Senate. The Task Force was established in last year's appropriations Act and was to submit its report and terminate within one year after the date of enactment of the Act which was signed by the President on November 21, 1989.

Amendment No. 62: Deletes language proposed by the Senate which would have amended the District of Columbia Human Rights Act with respect to the participation of adult homosexual and bisexual persons in programs or activities involving juveniles under 18 years of age.

CONFERENCE TOTAL—WITH COMPARISONS

The total new budget (obligational) authority for the fiscal year 1991 recommended by the Committee of Conference, with comparisons to the fiscal year 1990 amount, the 1991 budget estimates, and the House and Senate bills for 1991 follow:

FEDERAL FUNDS

New budget (obligational) authority, fiscal year 1990	$58,327,000
Budget estimates of new (obligational) authority, fiscal year 1991	519,278,000
House bill, fiscal year 1991	529,805,640
Senate bill, fiscal year 1991	549,628,000
Conference agreement, fiscal year 1991	549,700,000
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1990	−8,627,000
Budget estimates of new (obligational) authority, fiscal year 1991	+30,422,000

House bill, fiscal year 1991	+19,894,360
Senate bill, fiscal year 1991	+72,000

DISTRICT OF COLUMBIA FUNDS

New budget (obligational) authority, fiscal year 1990	*$3,527,7441,000*
Budget estimates of new (obligational) authority, fiscal year 1991	*3,818,652,000*
House bill, fiscal year 1991	*3,852,792,000*
Senate bill, fiscal year 1991	*3,861,502,000*
Conference agreement, fiscal year 1991	*3,862,574,000*
Conference agreement compared with:	
New budget (obligational) authority, fiscal year 1990	*+334,830,000*
Budget estimates of new (obligational) authority, fiscal year 1991	*+43,922,000*
House bill, fiscal year 1991	*+9,782,000*
Senate bill, fiscal year 1991	*+1,072,000*

JULIAN C. DIXON,
WILLIAM H. NATCHER,
LOUIS STOKES,
LES AUCOIN,
BERNARD J. DWYER,
STENY H. HOYER,
JAMIE L. WHITTEN,
DEAN A. GALLO,
BILL GREEN,
RALPH REGULA,
SILVIO O. CONTE,
Managers on the Part of the House.

BROCK ADAMS,
WYCHE FOWLER, Jr.,
J. ROBERT KERREY,
(Except for amendment 23),
ROBERT C. BYRD,
PHIL GRAMM,
PETE V. DOMENICI,
Managers on the Part of the Senate.

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